

**UNITED STATES DISTRICT COURT**  
**Southern District of New York**  
**Honorable Judge ALVIN K. HELLERSTEIN**

**JOSE LIMA**

**Plaintiff,**

**-v.-**

**NYC Dept. of Education**

**The City of New York**

**United Federation of Teachers**

**Lawrence Becker**

**Peter Ianiello**

**Lucille Amerdi**

**Jeff Huart**

**Evelyn De Jesus**

**Wilma Velazquez**

**Angel Valentin**

**Defendants.**

**SECOND**  
**AMEND**  
**COMPLAINT**

**Court Case Number:**

**10 CIV 1044**  
**(AKH)**

**JOSE LIMA**

**Plaintiff**

**2525 Morris Avenue**

**Apartment C-9**

**Bronx, New York 10468**

**lima\_rafael@hotmail.com**

**(646) 452-4545**

**PRO SE OFFICE**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

FILED: 8/28/10

## TABLE OF CONTENT

Enclosed are true and correct copies of the following documents:

Certificate of Service

Affidavit of Criceida Vanderhorst.

Affidavit of Carlos Lopez.

Affidavit of Romelia Gomez.

Affidavit of Michele Diaz.

Affidavit of Amarelis Abreu.

Statement of the Case

Conclusion

Exhibit A-1	Defendant Memorandum. Nomination letter.
Exhibit A-2	Math License from Sep 1, 2002 to Aug. 31, 2003.
Exhibit A-3	Employment Authorization Cards from 06/21/2002 to 02/20/2003 and from 03/03/2003 to 03/02/2004
Exhibit A-4	Form I-129, Petition for a Nonimmigrant Worker.
Exhibit A-5	US Department of Labor Certification.
Exhibit A-6	H1B Visa Approval valid from Sep. 12, 2003 to Aug. 3, 2006
Exhibit A-7	Math License from Sep. 2, 2003 to Aug. 31, 2004.
Exhibit A-8	H1B Visa Extension for 2006 to 2009.
Exhibit A-9	Form G-28, Notice of Entry of Appearance as Attorney or Representative.
Exhibit A-10	Employment Authorization valid from May 25, 2006 to May 24, 2007.
Exhibit A-11	Notice of Expiration of NY State Certificate Reminder
Exhibit A-12	Another Notice of Expiration of NY State Certificate Reminder
Exhibit A-13	Letter from the Defendant remainder me that if I don't complete State Certification, I will be terminate and INS will be notified
Exhibit A-14	Letter of termination based on International Immigration Related Issues

Exhibit A-15	On line registration within the Defendant net
Exhibit A-16	Permanent Resident Card from Aug. 17, 2006 to Aug. 17, 2008
Exhibit A-17	Permanent Resident Status extension for one year
Exhibit A-18	Permanent Resident Card, valid from Aug. 17, 2006 to April 03, 2019
Exhibit A-19	My Legal Status History in the United States
Exhibit A-20	The Defendant computer system print out
Exhibit A-21	School Attendance Teacher Certification
Exhibit A-22	Letter issue for the Defendant, on October 3, 2006, stating that I was terminated because of Immigration
Exhibit A-23	Letter issue for the Defendant, on October 17, 2006 stating that I was removed from the Defendant, Ineligible/Inquiry List
Exhibit A-24	Letter issue for the Respondent, on November 1, 2006 stating that I was resigned from the Respondent, on 07/01/2006
Exhibit A-25	Letter issue for the Defendant, on January 25, 2007 stating that I was terminated because of immigration on 07/01/2006
Exhibit A-26	Transcript from Master Degree
Exhibit A-27	Danay's Enterprices & Travel Statement
Exhibit A-28	Grievant file on January 24, 2007
Exhibit A-29	Check received for the amount of \$652.39
Exhibit A-30	Lincoln Medical and Mental Health Center Report
Exhibit A-31	Reply from some private school
Exhibit A-32	Outpatient Mental Health Clinic Report
Exhibit A-33	Doctor Prescription
Exhibit A-34	Form OSC-1, Charge Form for Unfair Immigration-Related
Exhibit A-35	Mr. Peter Ianiello's email
Exhibit A-36	The Defendant's Status Codes Descriptions
Exhibit A-37	Ms. Katherine Rodi's email

Exhibit A-38	Teacher Career Fairs 2007 Itinerary
Exhibit A-39	Letter from Mr. Ianiello, remembering me that I'm not certified in Math
Exhibit A-40	Different emails send to Mr. Becker
Exhibit A-41	UFT Letter for check issue
Exhibit A-42	List of NYC Schools that Applied, by fax and mail, a School Attendance Teacher Position
Exhibit A-43	Letters from some the Defendant's schools in reply of my application as School Attendance Teacher
Exhibit A-44	Other the Defendant's, screen or system indicating the DIM code hasn't been changed
Exhibit A-45	List of the Defendant's Regional Administrator for Attendance Services
Exhibit A-46	Ms. Emily Sharrock's school under supervision
Exhibit A-47	Email sends to Ms. Emily Sharrock's
Exhibit A-48	The Defendant, response on January 5, 2009
Exhibit A-49	The Defendant Sub-central detail report, from January 1, 2008 to December 22, 2008
Exhibit A-50	The Defendant, Sub-central, Substitute Review/Assignments
Exhibit A-51	Substitute license issued on July 06, 2007, valid from September 1, 2006 to August 31, 2007
Exhibit A-52	Detail of calls for the number (718) 757-7685 form January 2, to January 4, 2008
Exhibit A-53	Detail of calls for the number (718) 569-0109 from January 1 to January 14, 2008
Exhibit A-54	The Defendant Sub-central detail report, from April 28, to June 10 2009
Exhibit A-55	Detail of calls for the number (718) 757-7685 form April 29 to May 28, 2009
Exhibit A-56	The Defendant different screen showing DIM as reason of termination
Exhibit A-57	Letter served to the Union, requesting help.

Exhibit A-58 Letter from the Defendant, indication that my substitute license will not be renewed.

Exhibit A-59 Email send by Santana Mecca E, EEOC of the NYC, denying helping me.

Exhibit A-60 Email sends by Ianiello to Felicia Ramirez.

Based on the documents attached hereto, I respectfully request that this Court proceed with a trial.

Respectfully Submitted,

**JOSE LIMA**

Plaintiff

Pro Se

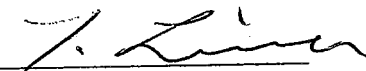
2525 Morris Avenue

Apartment C-9

Bronx, New York 10468

lima\_rafael@hotmail.com

(646) 452-4545

By: 

Jose Lima

Plaintiff

Pro Se

UNITED STATES DISTRICT COURT  
Southern District of New York  
Honorable Judge ALVIN K. HELLERSTEIN

JOSE LIMA

Plaintiff,

-v.-

NYC Dept. of Education

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United Federation of Teachers

Lawrence Becker

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Jeff Huart

Evelyn De Jesus

Wilma Velazquez

Angel Valentin

Defendants.

**CERTIFICATE**  
**OF SERVICE**

Court Case Number:

**10 CIV 1044**  
**(AKH)**

I hereby certify that on this 27 days of August, 2010, via hand delivery, I have served a copy of the foregoing **Second Amend Complaint** on the following Court at the address indicated:

- **UNITED STATES DITRICT COURT**  
**DISTRICT COURT OF NEW YORK**  
**500 PEARL STREET**  
**ROOM 230**  
**NEW YORK, NY 10007.**

Also I hereby certify that on this 27 days of August, 2010, via hand delivery, I have served a Copy of the foregoing **Second Amend Complaint** on the following persons at the addresses indicated:

- **NYC DEPARTMENT OF EDUCATION**  
**PETER IANIELLO,**  
**LAWRENCE BECKER**  
**LUCILLE AMERDI**  
NYC LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL  
100 CHURCH STREET, ROOM 2-140  
NEW YORK, NY 10007.

- **THE CITY OF NEW YORK**  
NYC LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL  
100 CHURCH STREET, ROOM 4-313  
NEW YORK, NY 10007.

- **UNITED FEDERATION OF TEACHERS**  
**JEFF HUART**  
**EVELYN DE JESUS**  
**WILMA VELAZQUEZ**  
52 BROADWAY  
9<sup>TH</sup> FLOOR  
NEW YORK, NY 10004

*noted: UFT <sup>and staff</sup> were served  
by USPS PRIORITY  
mail with a  
delivery confirmation  
# 0310-1230-0001-2818-1902*



**Jose Lima**

Petitioner

2525 Morris Avenue

Apartment C-9

Bronx, New York 10468

lima\_rafael@hotmail.com

(646) 452-4545.

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**  
**Daniel Patrick Moynihan United States Courthouse**

Jose R. Lima

Petitioner,

-v.-

New York City  
Department of Education.

Respondent.

**AFFIDAVIT OF CRICEIDA**  
**VANDERHORST IN SUPPORT OF**  
**PETITIONER'S PETITION FOR**  
**REVIEW**

STATE OF NEW YORK

CRICEIDA VANDERHORST deposes and says:

On or about September 2006, I went with Mr. Jose Lima to the New York City Department of Education, located at 65 Court Street, Brooklyn, New York 11201.

I witnessed when Jose was trying to provide to the DOE International Department staff his Permanent Resident Card, a lady called Mirna Masa, stated that her manager Peter Ianniello stated that Jose's Permanent Resident Card is not a valid proof of legal resident in The United States.

Also Jose was told that no matter what he does the DOE won't change the Code that they placed in his file, because the DOE hired him to teach math no for anything else.

In addition, Jose I was told by the DOE that they won't remove the Code from their system to make sure that I don't get hired within the DOE in any position, and the only way that



they could remove the Immigration Code from the DOE's system it's only if Jose completes the Mathematic Certification.

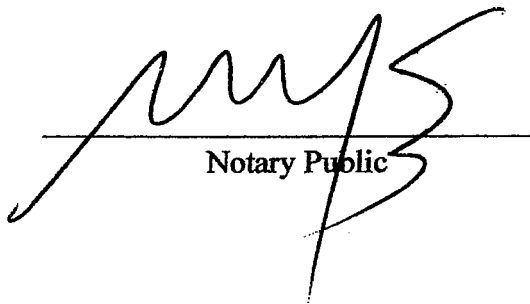
I certify that the foregoing statements made by me are true.

  
Criceida Vanderhorst

Dated: June 10, 2009

New York

Sworn to and subscribed before me on  
this 11th days of June 2009.

  
Notary Public

NEENA LOPEZ  
Notary Public, State of New York  
No. 04-00000000  
Qualified in Kings County  
Commission Expires 06/05/10

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Daniel Patrick Moynihan United States Courthouse**

Jose R. Lima

Petitioner,

-v.-

New York City  
Department of Education.

Respondent.

[REDACTED]

**AFFIDAVIT OF CARLOS LOPEZ  
IN SUPPORT OF PETITIONER'S  
PETITION FOR REVIEW**

[REDACTED]  
[REDACTED]

**STATE OF NEW YORK**

**CARLOS LOPEZ deposes and says:**

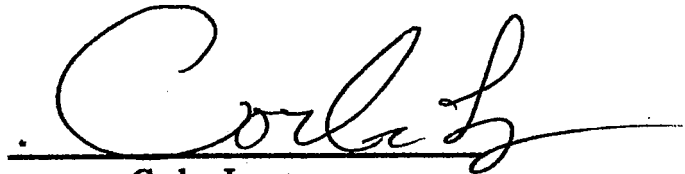
I certify that on September, 2006 I went with Jose Lima to the New York City Department of Education, Respondent, International Recruitment Department, located at 65 Court Street, Brooklyn, New York 11201.

On that moment Jose was inquiring about the code placed on his file and trying that the respondent removes the code from Jose's file, and Jose was told by Ms. Mirna Masa that Mr. Ianniello stated that his Permanent Resident Card is not a valid proof of legal status in The United States and that Mr. Ianniello won't remove the code placed on Jose's file no matter what.

Also Jose was told by the respondent that they won't remove the Code from their system to make sure that Jose doesn't get hired within the respondent in any position, and that the only way that the respondent will remove the Immigration Code from their system is only if Jose get the License in Math.

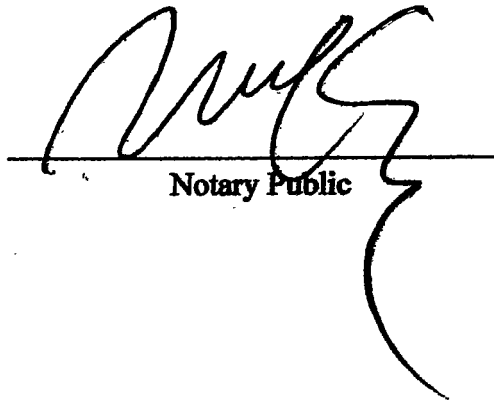
Moreover a lady, named Evelyn that works at the Department of Education at the reception of the International Recruitment Department, she suggested Jose to sue the Department of Education, because this is not the first time that Mr. Ianniello does that kind of actions and that Mr. Ianniello is very racist with the Spanish people.

I certify that the foregoing statements made by me are true.



Carlos Lopez  
June 29, 2009

Sworn to and subscribed before me  
this 30 days of June 2009.

  
Notary Public

NEIVIS LOPEZ  
Notary Public, State of New York  
No. 24-4384941  
Qualified in Kings County  
Commission Expires 08 05

109

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Daniel Patrick Moynihan United States Courthouse**

**Jose R. Lima**

**Petitioner,**

**-v.-**

**New York City  
Department of Education.**

**Respondent.**

**AFFIDAVIT OF ROMELIA GOMEZ  
IN SUPPORT OF PETITIONER'S  
PETITION FOR REVIEW**

[REDACTED]

**STATE OF NEW YORK**

**ROMELIA GOMEZ deposes and says:**

**I certify that on July 10, 2007 Jose Lima and I went to a Job Fair sponsored by the New York City Department of Education, Respondent.**

**The Job Fair was at the Brooklyn Marriott Hotel, located on 333 Adams Street, Brooklyn, New York, 11201.**


**Jose and I spoke to the Respondent's recruiter located at the beginning of the stairs in the first floor she asked for our teacher license, we showed our School Attendance Teacher License and we explained to the recruiter that what we are really looking is the opportunity to speak to some school principal that will be present in the event to see if some of the principals could need Attendance Teacher as well. So the recruiter allows us to ride the electric stairs on the fist to the second floor.**

**When we arrived to the second floor, to the entrance of the hall in the second floor Jose saw Mr. Ianniello's assistant by the hall's entrance, and she reacted very rude and didn't even let Jose talk and she asked him that what was he doing there, and she stated that he was not**

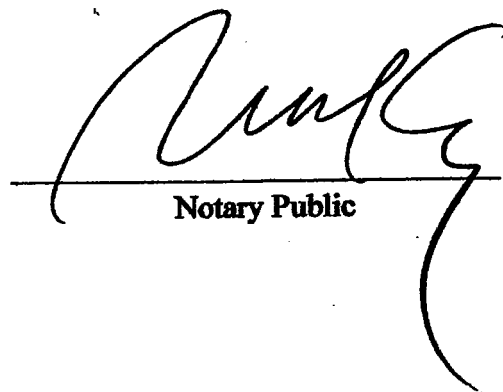
supposed to be there, I asked to Mr. Ianniello's assistant that what happened, and she asked me if she was with Jose, I told her yes, and she ordered to the security guards to kicked me and Jose out of that place and not to allow us in to the hall no matter what.

At that time I was pregnant and I need to use the bathroom then the security guards allow me to go to the restroom located into the hall and the security guards escorted me to the restroom and they waited for me in front of the bathroom and as soon as I went out of the bathroom I was escorted out of the hall.

I certify that the foregoing statements made by me are true.

  
Romelia Gomez  
June 20, 2009

Sworn to and subscribed before me  
this 30 days of June 2009.

  
Notary Public

NELVIS LOPEZ  
Notary Public, State of New York  
No. 24-4374941  
Qualified in: Kings County  
Commission Expires 06/05

1001

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Daniel Patrick Moynihan United States Courthouse**

Jose R. Lima

Petitioner,

-v.-

New York City  
Department of Education.

Respondent.

**AFFIDAVIT OF MICHELE DIAZ  
IN SUPPORT OF PETITIONER'S  
PETITION FOR REVIEW**

**STATE OF NEW YORK**

**MICHELE DIAZ deposes and says:**

On May 2006, my husband, Jose Lima received a letter from the New York City Department of Education, Respondent, located at 65 Court Street, Brooklyn, New York 11201, stating that he's going to be terminated at the end of the school year and his sponsorship through an employment visa will cease effective July 31 2006 and INS will be notified.

On May 2006 Jose received an Employment Authorization Card "EAC" from USCIS, and as soon as he received the EAC he submitted immediately to the Respondent.

In spite of the fact that Jose submitted his EAC to the Respondent, he continues receiving letters from the Respondent stating that his going to be terminated at the end of the school year.

At the end of June, 2006 Jose was terminated by the Respondent, but he didn't know anything about his termination because he never received a termination letter and when Jose provided to the Respondent his EAC and they accept it promising him that his file will be

updated accordingly. Also he was called by the Region 10 for a Teaching Summer Position and he accepted the position.

On August 17, 2006, Jose obtained his Permanent Resident Card and as soon as Jose received it, he went to the Respondent to try that the Respondent remove the Immigration Code placed on his file, but it was impossible for him to convince Respondent's staff to remove the Immigration Code from his file even though he had a Permanent Resident Card in his hands.

During the rest of August, September and the beginning of October 2006, Jose was trying that the Respondent removes the Immigration Code, but it was impossible.

On October 17, 2006 Jose was removed from the Respondent's Ineligible/Inquiry list, meaning that the Immigration Code place in his file was removed.

As soon as, Jose was removed from the Respondent's Ineligible/Inquiry List, he started looking for work within the Respondent, but he couldn't get any position because the Respondent placed him back to the Respondent's Ineligible/Inquiry List, by placing in his file the Immigration Code again.

He tried that the Respondent removes the Immigration Code placed in his file, but all the time the Respondent refused to do it, even though he was a US Permanent Resident.

On January 2007, the Respondent removed the Immigration Code placed on Jose's file, but according to the Respondent they just removed the Immigration Code for payroll purposes, and the Respondent placed back the Immigration Code in his file, which means that they were blocking Jose to get a job within the Respondent.

In addition on January 2007, Jose applied for a job as a Customer Services Representative with Danay's Enterprises & Travel, Jose was offered the job, but when the agency called the Respondent for reference about him, the agency was told that Jose had been fired by the Respondent because of Immigration problems.

As a result of the code in Jose's file indicating that he was fired by the Respondent because of immigration problems, he has been unable to obtain either permanent employment

within the Respondent and in the private sector. As a result of that reference Jose was very depressed and disappointed.

On February 27, 2007 Jose stopped in the Emergency Room, at the Lincoln Medical & Mental Health Center, the reason was that he was very depressed because of thinking about the problem with the Respondent and Jose started drinking alcohol desperately to see if he was able to forget what the Respondent was doing him, I tried to stop him but I couldn't.

On March 2007, he was admitted to an Outpatient Mental Health Clinic, due to the depression, he was taking counseling, and taking antidepressant.

On April 2007, the Respondent removed the Immigration Code, placed on Jose's file because the Respondent received the notice that Jose filled a complaint against the Respondent with U.S. Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related, Unfair Employment Practices.

On July 2007, when he went to the Respondent Job Fair in Brooklyn, at The Marriott Hotel, that day when Jose came back home, he was crying and very depressed because he stated many school's principal saw what happened and he felt humiliated, mistreated and injured, and that was very hard for him.

When he was interview on November 2006 by Ms. Miller and on September 2007 by Ms. Sharrock for a School Attendance Teacher position and couldn't get that position. On his way back home and at home he cried like a baby, and he remained in the bedroom for many days just on the bed, watching TV or reading.

I can tell that Jose used to be a person with a high level of enthusiasm, a hard working and always more than ready to help anybody with anything he can. In addition, his ability as a leader and confidence in varieties of challenges had brought him praises not just from me, but also many people that know him as well, but after what the Respondent did to him, unfortunately, little by little he has been losing his self-esteem and the enthusiasm, which affected our relationship, his situation economical and our family. His life was becoming a disaster: he couldn't sleep at night, he was eating a lot at night and sometimes he didn't even eat during all day. Also he's been gaining weight.




He fell in depression upon seeing so much injustice and cruelty by the Respondent. All time he just stated that he is trying to get a job within the Respondent and in the private sector, but it was impossible for him because of the Immigration Code in his file and for the wrong reference by the Respondent.

Nowadays he's been recovering from that emotional crisis, but still he's not the same. He's not even the half of what he was before this issue with the Respondent.

I claim justice for the all damages done by the Respondent to my husband, my family and for me as well.

I certify that the foregoing statements made by me are true.



Michele Diaz

Dated: June 30, 2009

State of New York

Sworn to and subscribed before me  
this 30 days of June 2009.

LEVIS LOPEZ  
Notary Public, State of New York  
No. 24-498484  
Qualified in Kings County  
Commission Expires 06/05/11



Notary Public

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Daniel Patrick Moynihan United States Courthouse**

Jose R. Lima

Petitioner,

-v.-

New York City  
Department of Education.

Respondent.

[REDACTED]

**AFFIDAVIT OF AMARELIS ABREU  
IN SUPPORT OF PETITIONER'S  
PETITION FOR REVIEW**

[REDACTED]

[REDACTED]

**STATE OF NEW YORK**

**AMARELIS ABREU deposes and says:**

I certify that on January, 2007 I went with Jose Lima to the New York City Department of Education, Respondent, located at 65 Court Street, Brooklyn, New York 11201.

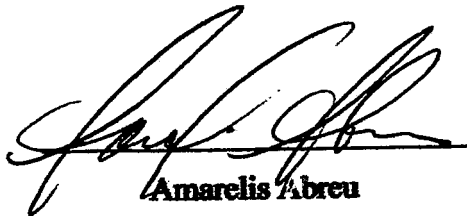
Jose was told that the Respondent will not remove the Immigration Code placed in his file, in spite of the fact that he has a Permanent Resident Card. Also the Respondent's employee stated that's the only way that the Respondent makes sure that nobody within the Respondent could hire Jose, because he was hired for teaching math no for anything else, and he doesn't have the math license requirement.

In addition the Respondent stated that they will not change the Immigration Code no matter what.

Also after that the Respondent terminated Jose, I noticed that he been getting weight, very depressed and sad. I have asked him a few times that what's wrong him, and he had answered me the same: that he doesn't know what to do in order to get the Respondent

removes the Immigration Code placed in his file that prevents him to work within the Respondent.

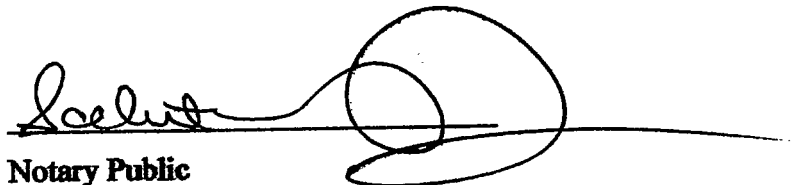
I certify that the foregoing statements made by me are true.



Amarelis Abreu

June 25, 2009

Sworn to and Subscribed before me  
this 25<sup>th</sup> days of June 2009.



Notary Public

SALVATORE PAGANO  
Notary Public, State of New York  
No. 01PA5015639  
Qualified in Westchester County  
Commission Expires July 26, 2011

**HONORABLE JUDGE**  
**ALVIN K. HELLERSTEIN**

COMES NOW, Jose Lima in this entitled lawsuit, and I state the following as my complaint against the Defendants: New York City Department of Education, The City of New York, United Federation of Teachers, Lawrence Becker, Peter Ianniello, Lucille Amerdi, Jeff Huart, Evelyn De Jesus and Wilma Velazquez.

**PARTIES**

**PLAINTIFF**

**JOSE LIMA**, Pro Se, an individual resident of the State of New York, holds a BS in Electromechanical Engineering.

**DEFENDANTS**

**New York City Department of Education**, hereinafter called "the Defendant". A public institution of education, authorized to do business in the State of New York and may be served with process by serving a copy of the summons and complaint to 100 Church Street, Room 2-140, New York, NY 10007.

**The City of New York**, hereinafter called "the City". May be served with process by serving a copy of the summons and complaint at 100 Church Street, Room 4-313, New York, NY 10007.

**United Federation of Teachers**, hereinafter called "the Union or the UFT". May be served with process by serving a copy of the summons and complaint at 52 Broadway, 9<sup>th</sup> Floor, New York, NY 10004.

**Lawrence Becker**, hereinafter called "Becker". Personally and individually; and in his official capacity as an employee of the New York City Department of Education; and may be served with process by serving a copy of the summons and complaint to Michael A. Cardozo, 100 Church Street, Room 2-140, New York, NY 10007.

**Peter Ianiello**, hereinafter called "Ianiello". Personally and individually; and in his official capacity as an employee of the New